



Office of the Mayor and Council
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPD-2021-02 Name: Maryland Jewish Experience, Inc.

Address: 7403 Dartmouth Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

November 9, 2021.

CERTIFICATE OF SERVICE

This is to certify that on November 15, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

***RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING DEPARTURE NUMBER CPD-2021-02,
7403 DARTMOUTH AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING
SEVERAL DEPARTURES FROM PARKING AND DESIGN STANDARDS TO ALLOW A
CULTURAL CENTER USE***

- WHEREAS,** the City of College Park (“City”), in accordance with Section 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance") enacted §190-9 of the College Park City Code, which sets forth procedural regulations governing departures from design and landscaping standards, parking and loading standards, and sign design standards; and
- WHEREAS,** the Advisory Planning Commission (“APC”) is authorized by §190-9 of the City Code to hear requests for departures from the terms of the Zoning Ordinance and the Prince George’s County Landscape Manual with respect to design and/or landscaping requirements, parking and loading standards and sign design standards, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** the City is authorized by §190-9 of the City Code to grant an application for a sign departure if the purposes of the applicable provisions of the Zoning Ordinance will be equally well or better served by the applicant’s proposal; the departure is the minimum necessary given the specific circumstances of this request; the departure is necessary to alleviate circumstances that are special to the subject use given its nature at this location or to alleviate circumstances which are prevalent in the district; the departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood; and
- WHEREAS,** the Mayor and Council are authorized by §190-9 of the City Code to accept or deny the recommendation of the APC with respect to a departure request; and
- WHEREAS,** Sec. 27-560 of the Zoning Ordinance requires interior parking lot drive aisle widths of 22-feet; and
- WHEREAS,** Sec 27-563 of the Zoning Ordinance requires a 22-foot-wide driveway from a parking lot to a street (each lane needs to be 11-foot wide) for two-way traffic; and
- WHEREAS,** Sec. 27-568 of the Zoning Ordinance requires 2.0 parking spaces per single-family residence and 2.5 parking spaces per 1,000 square feet of gross floor area (GRA) for cultural centers; and
- WHEREAS,** on September 2, 2021, Nathaniel Forman of O’Malley, Miles, Nylen & Gilmore, PA, representing Maryland Jewish Experience (“Applicant”), submitted an application for departures from Section 27-560, Section 27-63 and Section 27-568 of the Zoning Ordinance, requesting a departure of 2 feet from the required width of 22-feet for an interior parking lot

drive aisle, a departure of 12 feet from the required width of 22 feet for a driveway, and a departure of 5 parking spaces from the required 9 parking spaces; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with §190-9 of the City Code; and

WHEREAS, on October 7, 2021, the APC conducted a hearing on the merits of the departure application, at which time the APC heard testimony and accepted evidence, including the staff report, the staff PowerPoint presentation and exhibits with respect to whether the subject application meets the standards set forth in the City Code; and

WHEREAS, based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend that the requested departure be approved; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1.1 The lot is legally described as Lots 22 & 23, Block 5, College Park – Johnson & Curriden's Subdivision.
- 1.2 The property is zoned R-55 and is located in the Old Town Historic District.
- 1.3 The property has an area of 17,650 square feet.
- 1.4 The property is improved with a single-family residence (building footprint-816 square feet), a porch (245 square feet), a detached garage (180 square feet) and a gravel and dirt driveway (approximately 800 square feet).
- 1.5 The Old Town neighborhood is comprised of a mix of single-family homes and small multifamily apartment buildings.
- 1.6 Section 27-441(b) of the Zoning Ordinance in the residential use table, lists this category of uses as permitted in the R-55 zone: "Museum, art gallery, aquarium, cultural center, or similar facility (non-commercial)."

- 1.7 The property is a contributing resource in the Old Town Historic District. Any modifications to the exterior or environmental setting requires a Historic Area Work Permit (HAWP). This proposal will go to the Local Advisory Commission (LAC) for a recommendation and then the Historic Preservation Commission (HPC) for approval of an HAWP after the Departure process.
- 1.8 The Zoning Ordinance applies commercial standards to a cultural center, and so requires 2 parking spaces for a single-family use and 7 parking spaces for a cultural center use (based on the gross floor area) for a total of 9 required parking spaces. The Applicant is proposing to provide 4 parking spaces (including one handicapped accessible space). The Applicant states in the Statement of Justification that 4 parking spaces will be sufficient to serve their needs for the following reasons: a) The center will only have two staff people. b) The center is UMD student oriented. c) The center is located within walking distance and/or mass transit distance for most students. d) Many of MEOR'S members are Orthodox Jews who do not drive on their Sabbath (Friday night to Saturday night), and much of the programming occurs during these "no driving" times, i.e. Friday night dinners and Saturday morning services. e) Many students don't have cars and/or are very used to using alternative transportation such as Metro-bus, Shuttle-UM, personal bike or bike-share (bike, e-scooter or e-bike). f) On-street parking, without a permit, along Dartmouth Avenue (Zone 6) is available subject to a 2-hour time limit. g) The City has allocated a total of 4 on-street parking permits for residents at this address. h) One hundred (100) one-day/single-use visitor passes are available per annum.
- 1.9 A 500-foot radius from the property can be defined with the following boundaries: Eastern boundary-Metro station, Western boundary-Rhode Island Avenue, Southern boundary-Calvert Road, and Northern boundary-Howard Lane. According to the Parking Enforcement Manager for the City of College Park, the east side of Dartmouth Avenue is "No Parking" restricted between Calvert Road and Howard Lane, but parking is permitted on the west side of the street. The City Parking Enforcement Manager estimates this section of road can support about 40 parking spaces. City Parking informed the Applicant that this property can be allocated up to 4 on-street parking permits. Also, up to 100 one-day/single-use visitor passes are available per annum. And finally, the College Park Metro Station parking lot is approximately 500 feet from the subject property.
- 1.10 There are numerous public transportation options available in the vicinity of the Subject Property including the College Park-U of MD Metro Station (approximately a 5-minute walk from the Subject Property). Metro's Green, Yellow (and future Purple) lines stop at the College Park-U of MD Metro Station, and the College Park MARC Station is a short distance away. The College Park-U of MD Metro Station serves as the terminus for WMATA Bus Route C8 which runs between the College Park Metro Station and the White Flint Metro

Station. Prince George's County's The Bus has two (2) routes that serve College Park Metro Station: 14 and 17. Route 14 links College Park Metro Station with Prince George's Plaza Metro Station, while Route 17 provides service between IKEA and Mount Rainier. Finally, two (2) Shuttle-UM routes stop in proximity to the Subject Property. Route 122 Green (which operates late into the evening) and 104 stop along Rhode Island Avenue at both Knox Road and College Avenue, while 104 also stops at College Park Metro Station.

- 1.11 There are no businesses within 500 feet of the subject property.

Section 2 Conclusions of Law

2.1 *The purposes of the applicable provisions of the Prince George's County Zoning Ordinance will be equally well or better served by the applicant's proposal.*

- a. *To require (in connection with each building constructed and each new use established) off street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses.*

Based on the limited usage of vehicles requiring parking by participants, and the additional on-street parking permits, 4 parking spaces will be sufficient to serve the needs of the cultural center and single-family home.

- b. *To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points.*

Four (4) off-street parking spaces will be provided which should be sufficient for day-to-day needs. No new access points will be created.

- c. *To protect the residential character of residential areas.*

The main purpose of the three requested departures is to protect the residential character of this historic neighborhood. The regulations from which a departure is needed are commercial standards and not in keeping with the residential character of the area.

- d. *To provide parking and loading areas which are convenient and increase the amenities in the Regional District.*

The proposed parking area located directly behind the house is convenient to the residents of the house and users of the community center. Loading spaces are not required for the proposed use.

- 2.2 *The departure is the minimum necessary, given the specific circumstances of the request.*

Balancing the residential character of the area against negative impacts to the neighborhood, the departures are the minimum necessary.

- 2.3 *The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district.*

The departures are necessary to alleviate circumstances which are unique to the proposed use. The proposed use as a non-commercial cultural center is required to meet commercial site plan development standards. However, imposition of those standards would negatively impact the surrounding residential and locally designated historic neighborhood.

- 2.4 *For departures from parking and loading standards, the Commission must also find that all methods for calculating spaces required, (Division 2, Subdivision 3 and Division 3, Subdivision 3 of Part 11 of the Prince George's County Zoning Ordinance) have either been used or found to be impractical, and that parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.*

For the R-55 zone, there are no alternative formulas for calculating parking spaces. As for infringing on adjacent residential areas, the proposed departures are designed to lessen impact on the adjoining residential area, aesthetically and functionally. The amount of parking spaces provided by the departure will be sufficient for the use.

- 2.5 *In making its findings, the Commission (APC) shall give consideration to the following:*

- (a) *The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property.*

The parking and loading conditions within the general vicinity are such that on-street parking is available, as are parking permits. The property is also close to the College Park Metro and its parking lot.

- (b) *The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.*

The property is in Old Town College Park Historic District. According to the Design Guidelines Handbook, regarding new construction, the guidelines emphasize “that new construction respect the surrounding historic character of the historic district” (p. 56), that paving be compatible (p. 57) and that “single-width driveways” (p. 57) be encouraged.

- (c) *The recommendations of a municipality (within which the property lies) regarding the departure; and*

Not applicable since the City of College Park has authority to decide this case.

- (d) *Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.*

Not applicable.

In making its findings, the Commission (APC) may give consideration to the following:

- (a) *Public transportation available in the area;*

Multiple forms of public transportation are available in the area.

- (b) *Any alternative design solutions to off-street facilities which might yield additional spaces;*

More off-street parking spaces could be constructed on this property but would be contrary to maintaining the residential character of the neighborhood and minimizing the amount of impervious surface.

- (c) *The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property;*

The Subject Property will be a cultural center and single-family dwelling. MEOR will operate throughout the day, but most of its events are in the evening or on Saturday. There are no businesses within 500 feet of the Subject Property.

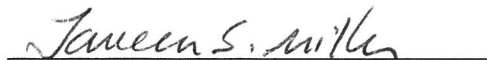
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, in accordance with Section 190-9 (8) (a) and (c) of the City Code, approve the requested departures: 1. A departure of 2 feet from the required width of a 22-foot-wide interior parking lot drive aisle, 2. A departure of 12 feet from the required width of 22 feet for a driveway, and 3. A departure of 5 parking spaces from the required 9 parking spaces, with the following conditions:

Prior to obtaining a building permit, the Applicant shall:

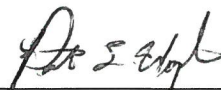
1. Obtain a Historic Area Work Permit (HAWP).
2. Show on the site plan:
 - a. Bike racks to accommodate no fewer than 5 bikes to be located in front of the house.
 - b. A note that specifies: If the MEOR Cultural Center ceases to exist, no other cultural center or use shall be permitted without filing a new Departure application.

ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 9th day of November 2021.

CITY OF COLLEGE PARK

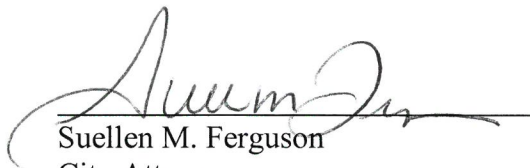


Janeen S. Miller, CMC
City Clerk



Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Suellen M. Ferguson
City Attorney